# **Beyond Escaping**

A domestic violence booklet with additional information for survivors

Compiled by: Michigan Women's Commission August 2005

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## **Personal Safety Plan**

Oftentimes the information women receive about ending a relationship with an abuser simply states to go to a shelter, friend, or neighbor's house. In reality, the most dangerous time for a woman in an abusive relationship is when she decides to leave. Creating and following up on a personal safety plan can help a woman when leaving a violent situation and is the first step to ending the abusive relationship.

#### **Anticipating an assault:**

- Know what type of violence and what amount of force your partner uses when attacking you. The
  more you know about the level of danger you are in, the more likely it will be that you will know
  what to do before another attack.
- Go through your home and identify the areas in your home where there are no weapons and easy ways to escape. If you get in an argument with the abuser,, try to go to a safe area of the house.
- One of the best ways to get help in a violent situation is to call for help. If you can, have a cell phone or other phone available in your house at all times. Also, know where the nearest pay phone or friend's house where you may call for help in an emergency is located. Know the number to the nearest women's shelter. The 24 hour national hotline is 1-800-799-SAFE (7233) {1-800-787-3224 (TTY)}. If you need help call the police.
- A trusted group of friends, neighbors, and family members is important in an abusive situation.
   Let them know what is going on. Create an escape plan and develop non direct ways to tell them when you need help such as flickering outside lights or creating a codeword to indicate you need help.
- Know where all weapons such as knives and guns are located in the house and make sure they are hard to get to during an assault.
- Start talking with people at domestic violence hotline(s) or shelter(s) to talk about your options about leaving and about getting counseling. Domestic violence hotlines also serve as supportive and understanding ear. You may call:

1-800-799-SAFE (7233) 1-800-787-3224 (TTY)

#### Safety guidelines if you have children:

- Though your first instinct may be to run towards your children when you are assaulted, you should run in the opposite direction from where your children are so your partner doesn't hurt them.
- Your children may want to protect you when you are being assaulted but it is important to teach
  your children that they should leave and get help instead. Tell them where they should go before
  an assault occurs. A code word to signal for them to leave the house or get help may be very
  helpful.
- Stress to your children that violence is never right, even if a loved one is violent. Let them know that neither you nor they are at fault or have caused the violence. Let them know when anyone is violent, the most important thing they can do is to be safe.
- Create a safety plan and practice getting out of the house with your children.
- Know how you will change your escape plans if your children tell your partner or if your partner finds out.

#### Suggestions for Getting Ready to Leave

- Start backing your car into the driveway and always keep it fueled. You can also keep all of your car doors except the driver's side door locked at all times. This could help with a quick escape.
- Try to save all evidence of abuse such as pictures, police reports, and journal or diary entries.
- Identify where to go to get help once you leave. Let close friends know where you are going and what is happening to you.

- If you are injured, go to a doctor or an emergency room and report what happened to you. Ask if
  they will document your visit and injuries.
- If you can, set some money aside in a private bank account or with friends or relatives.

#### If You Decide to Leave

- Try to take all important phone numbers with you, such as doctors, friends, relatives and schools.
- Take important personal documents and items such as driver's license, regularly needed
  medication, and list all credit cards in your name or that you have with your partner. If you can,
  take the cards themselves. Take all types of pay records such as pay stubs, checkbooks, and
  information about bank accounts and other assets.
- If you have time, you should also take:
  - o Citizenship documents (green cards, passports, and visas)
  - o Titles, deeds and other property information;
  - o Any type of medical record
  - o Any documents regarding your children's school status and/or immunizations
  - o Health, dental, and any insurance information
  - o Legal documents such as marriage license, birth certificates, etc.
  - Verification of social security numbers
  - o Any valued personal items such as pictures, jewelry, or personal possessions
- You may want to create a false trail. You can do this by calling different places like motels, real estate agencies, and schools in a town at least six hours away from where you plan to relocate. If you ask questions or require someone to call you back, you can give them your home phone number so your partner will think you are in a different place than where you are actually relocated.

#### **Once You Have Left**

The most important thing for you to do is to stay out of the line of direct danger. Once you have relocated or removed the abuser from your home there are some steps you should take to try to lessen future harm against yourself, your children, and your property.

#### If you are getting a personal protection order and the offender is leaving:

- Change all the locks on your home, your vehicles(s) and change your home and cellular phone numbers to unlisted numbers.
- Change the hours you work and vary the routes taken to work, school, and other frequent places you normally frequent..
- Be sure to always have a certified copy of your personal protection order with you.
- Let your friends, neighbors and employers know that you have a restraining order in effect so they can call the police if you partner tries to contact you.
- Give copies of the restraining order to employers, neighbors, and schools along with a picture of your abuser.
- Call law enforcement agency nearest to your location to enforce the order.

#### If you leave:

- Instead of having mail and bills delivered to your home address, consider renting a post office box for your mail in a different city or see if you may use the address of a friend.
- Know that addresses are on restraining orders and police reports.
- Don't give your new address or phone numbers to everyone you know. Be careful to whom you
  give the new information.
- Alter your work schedule, if at all possible.
- Let your children's school official(s) know about the situation, especially if the personal protection order covers the children.

- Consider changing your children's schools.
- Start frequenting different stores and social spots.
- Let your new and old neighbors know about your situation and request that they call the police if they feel you may be in danger.
- Replace wooden doors with steel or metal doors. Install security systems, if possible.
- Install motion sensors and lighting systems outside your house.
- Let people you work with know about the situation and have your calls screened by one receptionist, if possible.
- Tell people who take care of your children which individuals are allowed to pick up your children. Explain your situation to them and provide them with a copy of the restraining order.
- Call the telephone company to request caller ID. Ask that your phone be blocked so that if you call, neither your partner nor anyone else will be able to get your new, unlisted phone number.

#### After Leaving the Situation

Leaving an abuser is the most dangerous time in abusive relationships. After you leave, you may want to take several steps, including seeking personal protection orders, filing criminal charges, and addressing child custody issues. Every domestic violence situation is different and we recommend you contact a local domestic violence shelter or community health center to explore your options. We will highlight a few of the issues you may want to explore after leaving an abusive situation.

### **General Information on Child Custody**

#### Do I need a lawyer?

Custody cases are complicated and it is important to find an experienced lawyer to help you with your case. When you find a lawyer, be sure to ask about his/her experience with custody and domestic violence cases.

#### How will a judge make decisions about child custody?

Judges make decisions about child custody based on whatever they think is in the best interest of the child. States have different rules and guidelines, but the general rule is "the best interest of the child." This is defined differently in different states.

#### If a custody order is already in place, how can I get it changed?

If you have a custody order already in place, you may ask the court that issued the original order to make changes or modify it. Generally, you can only ask to have a custody order modified if there has been a change in circumstances.

*Example:* If there are new allegations or new evidence of abuse, that may count as a change in circumstances. Major changes in either parent's financial or housing status may also count as a change in circumstances.

Generally, once a court has jurisdiction, that court will keep continuing jurisdiction, even if you move to another state. If you have moved, you may ask the court that issued the original order to change the jurisdiction to where you are. Under certain circumstances, you may ask the court in the new state to modify the order without going back to the original state. This is often complicated, and as with all custody issues, we recommend that you talk to an attorney about this.

#### May I get temporary custody as part of a restraining order against the other parent?

In most states, you may ask for temporary custody of your children as part of a restraining order against the other parent of those children. Also, even though most states allow this, the decision is up to the judge who hears your request for a restraining order.

If the other parent obtains a custody order from a different court, it might conflict with the custody provision in your restraining order. If that is the case, your temporary custody order may not hold up against the other parent's order. Talk to a lawyer about what you can do.

#### May I get temporary emergency custody?

If your child is in danger, you may ask for temporary emergency custody, which most states provide. In states that have adopted the Uniform Child Custody Jurisdiction and Enforcement Act, you may also apply for temporary emergency custody if a sibling or parent is in danger.

Some courts will grant you emergency custody without notice to the other parent and without the presence of the other parent (an "ex-parte" order). Courts will usually only do this in extreme situations. You will need to prove to the judge that your children are in danger in order to get an emergency custody order. You also will need to resolve the situation permanently as "ex parte" orders generally are granted only for a short period of time.

Also, an "ex parte" order may not be enforceable in other states, so be sure to find out if it will be honored where you are going before you leave your state.

To file for emergency custody, contact a lawyer or local domestic violence agency. You may call the national hotline at 1-800-799-SAFE.

#### May I take my children out of the state?

Michigan has a custodial interference law. If you take your children out of state, you could be at risk of being charged with kidnapping or with custodial interference.

<u>Please talk to an expert in Michigan who understands domestic violence and criminal laws to talk about the laws in Michigan and how they might apply to your situation.</u>

You can find out the answer to this question by calling a lawyer or a domestic violence agency that may be able to help you find a lawyer.

## If I take the children out of state without the consent of the other parent, can I be charged with kidnapping?

We strongly recommend that you talk to a lawyer who understands domestic violence and Michigan's criminal laws before you make a decision.

Depending on your situation, you may also want to apply for Temporary Emergency Custody.

#### I am afraid the other parent will take our children out of the state. What can I do?

If you are afraid that the other parent will take your children away without your consent, you may ask the court to issue an emergency custody order. You may ask the judge to include in the order that the other parent may not take the children out of the state or that the other parent may only have supervised visitation.

We strongly recommend that you talk to a lawyer who understands domestic violence and child custody in Michigan's laws before you make a decision.

#### How can I keep the other parent from taking my children out of the country?

The United States Department of State has a program called the Children's Passport Issuance Alert Program. Under this program, a parent or legal guardian may submit a letter requesting that the Office of Children's Issues in the Department of State notify them if someone requests a passport for their child. You will also have to submit a birth certificate or court order of guardianship to show that you are the parent or legal guardian. You may read more information at the website:

http://travel.state.gov/passport/ppi/family/family\_866.html or call the Office of Children's Issues at 202-736-9133.

If your child has dual citizenship, then s/he may be able to travel out of the country on a passport of the other country. The United States Department of State cannot regulate passports from a different country, so you may want to contact that country's embassy or consulate to ask if they have a similar program. You will find contact information for embassies and consulates here: <a href="http://www.travel.state.gov">http://www.travel.state.gov</a> under Foreign Entry Requirements.

## **Internet Safety**

Please note that computer use can be monitored by an abuser and is impossible to completely clear. If you are in danger, please use a safe computer, call your local hotline and/or call the National Domestic Violence Hotline at 1-800-799-SAFE.

There are ways that an abuser can access your email and also find out where you have been on the internet. It is impossible to hide all your tracks.

There are hundreds of ways that computers record everything you do on the Internet. If you are in danger, please try to use a safer computer to which someone abusive does not have direct access, or even remote (hacking) access to. You may go to a public computer terminal at a library, community center, or domestic violence organization. There is a national directory of community technology centers at <a href="https://www.ctcnet.org">www.ctcnet.org</a>.

The information below provides some ways for you to cover some of your tracks. Please be aware that you cannot cover all your tracks. It is not possible to delete or clear all computer "footprints".

**E-MAIL:** If an abuser has access to your email account, he or she may be able to read your incoming and outgoing mail. Be sure to check your "Sent Mail" folder and delete any messages you do not want your abuser to see. If you believe your account is secure, make sure you choose a password he or she will not be able to guess.

If you send an email from a computer you share with someone, make sure that when you click on an email link, the return address on the email is yours. If you are not sure about the return address, it is safer to write an email directly from your account as you usually do and then copy and paste (or type) the e-mail address or location of any domestic violence shelter or wherever you are staying.

If an abuser sends you threatening or harassing email messages, the messages should be printed and saved as evidence of this abuse. Additionally, the messages may constitute a state or federal offense. For more information on this issue, contact the District Attorney in your county or your local United States Attorney's Office.

**HISTORY/CACHE FILES:** If an abuser knows how to read your computer's history or cache file (automatically saved web pages and graphics), he or she may be able to see information you have viewed recently on the Internet. You may clear your history or empty your cache file in your browser's settings.

After you have cleared your history or emptied your cache, you should visit a few "innocent" websites, like your local weather page, a website about kid's activities, a recipe list, or any websites your abuser already knows you routinely visit. This will make it less obvious that you have recently cleared your History or Cache.

Here's how to clear your History/Cache files:

*Netscape:* Pull down EDIT menu, select PREFERENCES. Click on NAVIGATOR and choose 'CLEAR HISTORY'. Click on ADVANCED then select CACHE. Click on "CLEAR DISK CACHE".

On older versions of Netscape: Pull down OPTIONS menu. Select NETWORK OPTIONS, Select CACHE. Click on "CLEAR DISK CACHE".

Additionally, make sure that the "USE INLINE AUTOCOMPLETE" box is NOT checked. (If checked, this function will complete a partial web address while typing a location in the address bar at the top of the browser.)

Internet Explorer: Open the TOOLS menu, choose INTERNET OPTIONS, then choose the GENERAL tab at the top. In the section called TEMPORARY INTERNET FILES click on DELETE FILES to clear your cache. On the same screen, in the section called HISTORY, click on the CLEAR HISTORY button to erase your history list. In Internet Explorer, clearing the cache and history will automatically clear the address bar on your browser.

Additionally, make sure that the "USE INLINE AUTOCOMPLETE" box is NOT checked. (If checked, this function will complete a partial web address while typing a location in the address bar at the top of the browser.) Click on the "TOOLS" icon at the top of your Internet Explorer Page, then click on "INTERNET OPTIONS", and then click on the "ADVANCED" tab. About halfway down there is a "USE AUTOCOMPLETE" box that can be checked and unchecked by clicking on it. Make sure it is unchecked.

**AOL:** Pull down MEMBERS menu, select PREFERENCES. Click on WWW icon. Then select ADVANCED. Click on PURGE CACHE.

Additionally, make sure that the "USE INLINE AUTOCOMPLETE" box is NOT checked. (If checked, this function will complete a partial web address while typing a location in the address bar at the top of the browser.)

**TEMP FILES:** In some cases, your computer will automatically save certain pages in your TEMP folder, which is usually located at c://temp or c://windows/temp. If you view any forms or other PDF files, these will probably be stored in this folder. Be sure to go to this folder and delete any files you do not want your abuser to know you viewed. Sometimes these files are automatically deleted when you turn off and re-start your computer.

NOTE: This information may not completely hide your tracks. Many browser types have features that display recently visited sites. The safest way to find information on the Internet, would be at a computer that your abuser cannot access. Try a local domestic violence organization, a local library, a community center, a friend's house, or at work.

## **Stalking**

Stalking in the state of Michigan is defined as, "a 'willful course of conduct' involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested." ~Michigan Penal Code MCLA750.411 h

You can take some precautions such as traveling with friends, not walking alone, changing your phone number to an unlisted number and varying the times and routes you take to work and frequently visited places. If it is safe to do so, notify friends, family and employers so they can protect you at work.

If you think your abuser is stalking you there are several steps you can take:

- If you think it would be safe, communicate to the stalker that you do not want any contact with him or her. Before doing this, however, it is important to have a safety plan in place.
- Report to your local law enforcement agency that you are being stalked, whether or not you plan to file formal charges
- Build your case against your stalker by:
  - 1. Tape recording threatening or harassing phone calls.
  - 2. Get basic identifying information about the stalker such as personal appearance, license plate number, and make of car, can help police identify your stalker.
  - 3. Document stalking activities in a personal journal or diary.
  - 4. Maintain a notebook where you document the number of contacts with the stalker (i.e. general time frame, place, what was said, letters received).

According to the anti-stalking laws, a person can be charged with stalking for willfully and repeatedly contacting another individual, without permission, causing that person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Under these laws, assailants could be charged with stalking for repeated unconsented contact.

Unconsented contact includes but is not limited to:

- Following or appearing within the sight of the target victim.
- Approaching or confronting the targeted victim in a public or private place.
- Appearing at the workplace or residence of the targeted victim.
- Entering or remaining on the targeted victim's property.
- Contacting the targeted victim by telephone.
- Sending mail or e-mail to the targeted victim.
- Placing object on, or delivering object to, property owned, leased, or occupied by individual.

You do have legal rights against your abuser/stalker. Your best defense against unwanted contact and harassment is:

- Notify the police in the areas where the stalking took place.
- Get a personal protection order from your local circuit court (this order states that the stalker is to have no contact with the victim; if violated, criminal penalties will follow.) This should not only protect you, but also assist the law enforcement agency in enforcing the anti-stalking laws. It also increases the penalties should the stalker violate the restraining order. [MCLA 600.2950a]

## **Obtaining a Personal Protection Order**

A personal protection order (PPO) is a legal document in which a court orders another person to stop threats or violence against you. For issues of domestic violence you would pursue a domestic personal protection order.

A domestic PPO is for protection from:

- your spouse or former spouse
- someone with whom you have a child in common
- someone you are dating or dated in the past
- someone who lives now, or has ever lived, in the same household as you

When petitioning for a PPO, you must show the court that this person is interfering with your personal freedom or has threatened or committed violence against you. When filing with the county clerk's office, the clerk will have you fill out some forms before the PPO can be issued. Fill out the form legibly and

completely. You may attach a separate sheet of paper to the form to further detail your fears and concerns about the person against whom you are seeking a PPO.

Tips for filling out the forms:

- You are the "petitioner." The person you want protection from is the "respondent."
- As best as you can, state what the respondent did, what happened to you as a result, and the dates when events happened. You do not need a police report or other documents to get a PPO, but if you have them, they can help the judge understand your situation.

It is important for the court to know about other court cases involving you and the respondent and whether or not the cases are still open. These cases may be anywhere in Michigan or any other state. It is especially important to indicate whether there is a court order about child custody or a criminal case against the respondent.

You must provide your mailing address. This address does not have to be the same as your residence address.

If you are afraid of immediate injury or that you will be harmed if you have to wait for a hearing on the PPO, check the box that says "ex parte."

#### What to do after a PPO is issued

- 1. You must arrange for the delivery of the PPO and Petition to the respondent. This delivery is called "service." Service options vary based on geographic area of the state. Here are some service options:
  - Some police departments will deliver PPOs free of charge. Call your local domestic violence program to ask about police department service in your area.
  - By a process server you will have to pay the process server a fee.
  - By an adult other than you.
  - By registered or certified mail, return receipt requested, delivery restricted to addressee.
- 2. After service, you must file a "Proof of Service" form with the court clerk.
- 3. Develop a safety plan. Remember that the Michigan State Police will send the respondent a letter about firearms restrictions that apply because of the PPO within 24 hours after they are notified of the PPO.

For help and support with the PPO service, "Proof of Service" and developing a safety plan, call your local domestic violence program listed in your telephone directory, or call the National Domestic Violence Hotline at 1-800-799-7233 (TDD line 1-800-787-3224).

#### What if the respondent violates the PPO

It the PPO is violated, call 911 or the local police immediately. If the police do not arrest the respondent, go to the court and ask to file a "Motion to Show Cause."

The respondent must come to court after being arrested or after you file a "Motion to Show Cause" with the court. The court may jail the respondent for up to 93 days or impose a fine of up to \$500, or both.

### For Your safety ...

- Be sure to have the PPO served on the respondent and to file the proof of service with the court clerk. As soon as the judge signs the PPO, it can be enforced anywhere in Michigan. After it is served, the PPO can be enforced anywhere in the United States.
- Carry one copy of the PPO and "Proof of Service" with you at all times, including when you travel. Keep a second copy in a safe place. Consider asking the court for extra copies of the order to give to day care providers, schools, employers, and others who need to know about it.
- Develop a safety plan. If you need help developing a safety plan, call your local domestic violence program or call the National Domestic Violence Hotline at 1-800-799-7233.

- If the PPO prohibits the respondent from having contact with you, the respondent can be arrested for doing so, even it you have agreed to the contact.
- If you want to change the PPO before it expires, you must go back to the court to request the judge to do so.
- The PPO is valid until the expiration date stated in the court's order. If you need to renew it, ask the court to do so by filing a motion with the court at least 28 days before the PPO expires.
- It you have any questions, call the court clerk.

## **Obtaining a Lawyer**

Having a lawyer with you as part of ending your violent relationship can be a very valuable tool. A lawyer who knows about domestic violence, child custody and kidnapping, personal protection orders, and divorce can help you navigate this difficult time in your life. If you can afford a lawyer but are in need of referral to someone who specializes in your needs you may call the Bar Association of Michigan.

- Call 1-800-968-0738. A referral information specialist who will need your name and address will answer your call. You will be asked in which county you need a lawyer and to briefly state your problem. Remember the information specialist is not an attorney and may not give legal advice.
- The Lawyer Referral staff member will give you the name and telephone number of an attorney (only 1 referral per telephone call). The state bar does not have *pro bono* ("free"), reduced fees, or contingency fee panels.
- When you call the attorney to schedule a meeting, please tell him/her that the State Bar of Michigan referred you.
- Your first 30 minutes of legal consultation will cost you no more than \$20.00. After the initial half-hour, it is up to you and the attorney to negotiate fees if you decide to authorize the attorney to take action on your behalf.

If the county in which your dispute occurred is on the following list, please call that referral service first.

Name of Lawyer Referral Services	Referral Line	Counties Covered
Genesee County LRS	(810) 232-6000	Genesee
Grand Traverse LRS	(231) 922-4713	Grand Traverse, Leelanau, Antrim
Kent LRS	(616) 632-6000	Kent
Macomb County LRS	(586) 468-8300	Macomb
Oakland County LRS	(248) 338-2100	Oakland
Washtenaw County LRS	(734) 996-3229	Washtenaw

You may also contact the National Domestic Violence Hotline at 1-800-799-SAFE, 1-800-787-3224 TDD for specific referrals to domestic violence lawyers.

#### Information prepared: August 2005

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Information from the sections on personal safety, custody issues, and internet safety were framed after the guidelines given on <a href="https://www.womenslaw.org">www.womenslaw.org</a>.

Information on personal protection orders was taken from a brochure from the Michigan Women's Commission, Michigan Department of Community Health and the Michigan Domestic Violence Prevention and Treatment Board called A Guide to Personal Protection Orders.

The information on stalking was taken from a brochure produced by the Michigan Women's Commission, the Michigan Domestic Violence
Prevention and Treatment Board, the Department of Human Services and the Michigan Department of Community Health
entitled 'A Citizen's Guide to Michigan Anti-Stalking Laws: Stalking Understanding your rights."

The information on legal services is from the Michigan Bar Association.

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